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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

I, Brett L. Gibbs, declare as follows:

1. I am an attorney at law licensed to practice in California, and admitted in the Northern District of California. My business address is 38 Miller Avenue, #263, Mill Valley, CA, 94941. I am counsel of record for Plaintiff in this matter.

2. Pursuant to the Court's order on July 8, 2011 (ECF No. 7), Plaintiff issued a subpoena to Doe 1's Internet Service Provider ("ISP"), Verizon Online, LLC, and received the subscriber's identifying information from the ISP. Plaintiff, however, has taken no further action with regard to that subscriber.

3. Plaintiff does not plan to take any further action without first obtaining leave from the Court. If Plaintiff is given leave, the first action Plaintiff will take will be to contact the subscriber identified by Verizon Online.

1       4.     If Plaintiff is able to successfully reach the subscriber, Plaintiff will inform the  
2 subscriber of the litigation, and listen to what the subscriber has to say in response. Based on that  
3 response, Plaintiff may extend an offer of settlement to the subscriber or drop the case altogether.

4       5.     Alternatively, Plaintiff may also decide to name and serve the subscriber or another  
5 individual with process and proceed against them in this litigation.

6       6.     If, however, Plaintiff is unable to determine the identity of the actual infringer of its  
7 copyrighted work, Plaintiff may need to ask leave of the Court to take further discovery.

8       7.     I declare under penalty of perjury that the foregoing is true and correct based on my  
9 own personal knowledge, except for those matters stated on information and belief, and those  
10 matters I believe to be true. If called upon to testify, I can and will competently testify as set forth  
11 above.

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13                   **DATED: December 1, 2011**

14                   By:     \_\_\_\_\_/s/ Brett L. Gibbs, \_\_\_\_\_